

SENATE BILL 190

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EMERGENCY BILL

2lr0808

By: **Senators Jacobs, Brinkley, Edwards, Getty, Glassman, Kittleman, Pipkin,
and Reilly**

Introduced and read first time: January 20, 2012

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Education – School Construction – Applicability of Priority Funding Areas**

3 FOR the purpose of repealing a certain policy of the State to target funds to existing
4 public schools; excluding school construction from certain provisions of law;
5 providing for the application of this Act; making this Act an emergency
6 measure; and generally relating to school construction.

7 BY repealing and reenacting, with amendments,

8 Article – Education

9 Section 5–301(d)(3)

10 Annotated Code of Maryland

11 (2008 Replacement Volume and 2011 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article – State Finance and Procurement

14 Section 5–7B–07

15 Annotated Code of Maryland

16 (2009 Replacement Volume and 2011 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Education**

20 5–301.

21 (d) (3) The regulations adopted by the Board of Public Works shall
22 contain provisions:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) Establishing a State and local cost–share formula for each
2 county that identifies the factors used in establishing the formulas;

3 (ii) Requiring local education agencies to adopt educational
4 facilities master plans and annual capital improvement programs;

5 (iii) Providing a method for establishing a maximum State
6 construction allocation for each project approved for State funding;

7 (iv) [Referencing the policies stated in § 5–7B–07 of the State
8 Finance and Procurement Article;

9 (v)] Requiring local school systems to adopt procedures
10 consistent with the minority business enterprise policies of the State as required
11 under the Code of Maryland Regulations;

12 [(vi)](V) Establishing a process for the appeal of decisions by
13 the Interagency Committee to the Board of Public Works;

14 [(vii)](VI) Requiring local education agencies to adopt,
15 implement, and periodically update comprehensive maintenance plans; and

16 [(viii)](VII) Authorizing the Board of Public Works to withhold
17 State public school construction funds from a local education agency that fails to
18 comply with the requirements of item [(vii)](VI) of this paragraph.

19 **Article – State Finance and Procurement**

20 5–7B–07.

21 [(a) It shall be the policy of the State that the emphasis of funding for public
22 school construction projects shall be to target the rehabilitation of existing schools to
23 ensure that facilities in established neighborhoods are of equal quality to new schools.

24 (b)] This [section] **SUBTITLE DOES NOT APPLY TO SCHOOL**
25 **CONSTRUCTION AND** may not be construed to prohibit **OR LIMIT** the provision of
26 school construction funding outside a priority funding area.

27 [(c) The Public School Interagency Committee on School Construction shall
28 continue to review and make recommendations on school funding projects to the Board
29 of Public Works.]

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to
31 the fiscal 2013 public school construction capital improvement program.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
2 measure, is necessary for the immediate preservation of the public health or safety,
3 has been passed by a yea and nay vote supported by three-fifths of all the members
4 elected to each of the two Houses of the General Assembly, and shall take effect from
5 the date it is enacted.